

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN KARL WAITSCHIES**, on January 13, 2003  
at 3 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Karl Waitschies, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Joe Balyeat (R)  
Rep. Bob Bergren (D)  
Rep. George Golie (D)  
Rep. Jim Keane (D)  
Rep. Bernie Olson (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Wilson (D)

**Members Excused:** Rep. Ronald Devlin (R)

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 215, 1/7/2003; HB 80,  
1/7/2003; HB 237, 1/7/2003  
Executive Action: HB 22; HB 67; HB 68

**HEARING ON HB 80**

**Sponsor:** REP. VERDELL JACKSON, HD 79

**Opening Statement by Sponsor:**

REP. JACKSON, HD 79, introduced HB 80. The bill allows farmers and ranchers to use their farm trucks to transport logs without an increase in fees. The fee for agricultural use is \$35.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.9}***

**Proponents' Testimony:**

Joe Gamma, is a farmer who hauls logs on his farm truck. He cited several occasions when he has experienced problems with the Department of Transportation. The main problem, he said, was that nowhere in current law is there a definition that states trees are a farm product. This bill would clarify this problem.

***{Tape: 1; Side: A; Approx. Time Counter: 2.9 - 8.5}***

Nancy Schlepp, Montana Farm Bureau Federation, said the Montana Farm Bureau is in support of HB 80.

***{Tape: 1; Side: A; Approx. Time Counter: 8.5 - 9.5}***

**Opponents' Testimony:** None

**Informational Testimony:**

Dave Galt, Director of Montana Department of Transportation, explained that this is a question of whether timber is a farm product or not. This bill has been presented in previous sessions. The Department does not have any issue with the way this bill is written.

***{Tape: 1; Side: A; Approx. Time Counter: 9.5 - 10}***

**Questions from Committee Members and Responses:**

REPS. BOOKOUT-REINICKE, GALLIK and WAITSCHIES questioned Dave Galt regarding safety issues and qualification for a farm. ***{Tape: 1; Side: A; Approx. Time Counter: 10.0 - 17}***

**Closing by Sponsor:**

REP. JACKSON closed on HB 80.

***{Tape: 1; Side: A; Approx. Time Counter: 17 - 20.5}***

HEARING ON HB 215

Sponsor: REP. BRUEGGEMAN, HD 74

Opening Statement by Sponsor:

REP. BRUEGGEMAN, HD 74, introduced HB 215. This bill will standardize the law as it applies to suspended driver licenses.

{Tape: 1; Side: A; Approx. Time Counter: 20.5 - 22.2}

Proponents' Testimony:

Brenda Nordlund, Montana Department of Justice. What the Department is asking is that all persons facing a drivers license revocation are all treated the same when the time comes to have their drivers license reinstated.

**EXHIBIT**(trh06a01)

{Tape: 1; Side: A; Approx. Time Counter: 22.2 - 25.1}

REP. SMITH left the committee hearing.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. BOOKOUT-REINICKE, OLSON and BALLYEAT questioned Ms. Nordland and REP. BRUEGGEMAN regarding what types of revocations this \$100 users fee would apply to.

{Tape: 1; Side: A; Approx. Time Counter: 25.1 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.1}

Closing by Sponsor: REP. BRUEGGEMAN closed HB 215.

{Tape: 1; Side: B; Approx. Time Counter: 2.1 - 2.7}

HEARING ON HB 237

Sponsor: REP. BRUEGGEMAN, HD 74

Opening Statement by Sponsor:

REP. BRUEGGEMAN, HD 74, introduced HB 237. This bill provides that any truck equipped with a Jake brake must have a muffler. The Jake brake is a safety measure and proves to be more reliable than power brakes. However, the Jake brake is very noisy when applied and has caused some cities to post signs to deter the use of a Jake brake.

{Tape: 1; Side: B; Approx. Time Counter: 2.7 - 4.8}

**Proponents' Testimony:**

**Spook Stang, Montana Motor Carriers Association.** The MMCA would like to go on record in support of HB 237, which makes it a violation to use an engine brake without an approved muffler. This bill is designed to be the same as the fourteen northwest states, so that truckers know that the regulations are the same from state to state.

**EXHIBIT (trh06a02)**

**{Tape: 1; Side: B; Approx. Time Counter: 4.8 - 7.7}**

**Dave Galt, Director, Montana Department of Transportation,** said, "We think this is a good idea. We get many calls from people who live along the roadways complaining about the noise from the use of a Jake brake. The Jake brake is necessary for safety reasons, so this offers a solution by muffling the Jake brake."

**{Tape: 1; Side: B; Approx. Time Counter: 7.7 - 8.7}**

**Opponents' Testimony:**

**Bob Gilbert, Montana Tow Truck Association,** said, "We object to the cost of installing mufflers on the trucks. We would like to see a extended period of time to allow the truckers to come into compliance. This bill gives very little time for the truckers to come up with money and they need a grace period to get the necessary equipment installed."

**{Tape: 1; Side: B; Approx. Time Counter: 8.7 - 12.8}**

**Informational Testimony:**

**Robert Stevenson, Bozeman,** stated, "I would like to make one informational point that there are motorcycles that have compression brakes on them. This bill does not cover them and I would like to make certain that this bill is not all encompassing all vehicles with compression brakes."

**{Tape: 1; Side: B; Approx. Time Counter: 12.8 - 14.1}**

**Questions from Committee Members and Responses:**

**REPS. BALLYEAT, STEINBEISSER, ROME, BOOKOUT-REINICKE, GALLIK, GOLIE, OLSON, WILSON and KEENE** questioned **Mr. Galt, Mr. Gilbert and Mr. Stang.** The bill as currently written states that a trucker can be fined if the truck has a Jake brake it must have a muffler. He suggested that maybe the law should be changed to say that if a trucker uses a Jake brake without a muffler he will be cited. This law also makes the use of Jake brakes and mufflers uniform with the fourteen northwestern states.

**{Tape: 1; Side: B; Approx. Time Counter: 14.1 - 30}**

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 15.8}*

Closing by Sponsor: REP. BRUEGGEMAN closed HB 215.

*{Tape: 2; Side: A; Approx. Time Counter: 15.8 - 18.2}*

REP. SMITH returned to the committee hearing.

EXECUTIVE ACTION ON HB 22

Motion/Vote: REP. KEANE moved that HB 22 DO PASS. Motion carried unanimously.

*{Tape: 2; Side: A; Approx. Time Counter: 18.2 - 20.9}*

EXECUTIVE ACTION ON HB 67

Motion: REP. BOOKOUT-REINICKE moved that HB 67 DO PASS.

Discussion:

The committee discussed picketing and hitchhiking along the highway. It was determined these would not be prohibited and the committee members wanted this information placed in the record.

Motion/Vote:

REP. WAITSCHIES moved that HB 67 BE AMENDED. Motion carried 10-3 with REPS. GALLIK, GOLIE, and KEANE voting no.

**EXHIBIT** (trh06a03)

*{Tape: 2; Side: A; Approx. Time Counter: 20.9 - 24.2}*

Motion/Vote:

REP. BOOKOUT-REINICKE moved that HB 67 DO PASS AS AMENDED. Motion carried 9-3 with BALYEAT, ROME, and STEINBEISSER voting no. REP. DEVLIN was excused and did not vote.

*{Tape: 2; Side: A; Approx. Time Counter: 24.2 - 30.0}*

EXECUTIVE ACTION ON HB 68

Motion: REP. STEINBEISSER moved that HB DO PASS.

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 68 BE AMENDED. Motion carried unanimously.

**EXHIBIT** (trh06a04)

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 68 DO PASS AS AMENDED. Motion carried 11-1 with BALYEAT voting no. REP. DEVLIN was excused and did not vote.

*{Tape: 2; Side: B; Approx. Time Counter: 1 - 12.3}*

**ADJOURNMENT**

Adjournment: 5:20 P.M.

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REP. KARL WAITSCHIES, Chairman

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PATI O'REILLY, Secretary

KW/PO

**EXHIBIT** (trh06aad)